

HEALTH COMMITTEE meeting of September 7, 2000

Minutes

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Media Room, First Floor of the H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, New York, on **September 7, 2000**, at 9:30 A.M.

Members Present:

Legislator Ginny Fields - Chairperson
Legislator Brian Foley - Vice-Chair
Legislator Michael Caracciolo
Legislator Joseph Caracappa
Legislator Andrew Crecca

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Linda Burkhardt - Aide to Presiding Officer Tonna
Marla Musnug - Aide to Presiding Officer Tonna
Chris Reimann - Aide to Presiding Officer Tonna
Frank Tassone - Aide to Legislator Crecca
Ilona Julius - Deputy Clerk/Suffolk County Legislature
Kim Brandeau - Legislative Budget Analyst/Budget Review Office
Bonnie Godsman - County Executive's Office/IR
David Greene - Director/Department of Labor Relations
Bob Draffin - Deputy Director/Department of Labor Relations
Dr. Clare Bradley - Commissioner/SC Department of Health Services
Rick Meyer - Administration/Department of Health Services
John DiGilio - John J. Foley Skilled Nursing Facility
Phyllis Garbarino - President/AME
Nancy Manteiga - 2nd Vice-President/AME
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

Minutes Transcribed By:

Lucia Braaten - Court Stenographer

(*The meeting was called to order at 10:05 A.M.*)

CHAIRPERSON FIELDS:

We're going to begin and we'll start with the Pledge of Allegiance led by Legislator Brian Foley.

Salutation

Do we have any cards?

MS. MAHONEY:

No.

CHAIRPERSON FIELDS:

Okay, then we'll go right into the agenda. I think we were going to discuss a little bit **IR 1923 - Authorizing alternative work schedule at the John J. Foley Skilled Nursing Facility**. Who should we begin with? Is Mr. David Greene here?

MR. GREENE:

Here.

CHAIRPERSON FIELDS:

Is Mr. DiGilio here? No?

MR. GREENE:

We're all here, the whole gang is here.

CHAIRPERSON FIELDS:

There you are.

MR. GREENE:

We don't have enough microphones.

CHAIRPERSON FIELDS:

And the Commissioner, and Phyllis Garbarino or Nancy, or both if you'd like. Good morning, everyone. Sorry for the delay.

MR. GREENE:

Not a problem. We can give you a very brief history in how we arrived at this. The nursing home, Skilled Nursing Facility has been under intense pressure to recruit and retain skilled employees for a variety of reasons. One of the reasons is it's almost virtually impossible, under the current work schedule, to get weekends off, you may have to be there 10 or 15 years. Naturally, in this kind of work environment where skilled workers are at a premium and there's intense competition between all the nursing homes to recruit skilled employees, a lot of these other facilities offer schedules that give people part or all of weekends off from the get-go. So we have a competitive disadvantage.

Second of all, this current schedule we use requires a tremendous amount of overtime in terms of mandation where people think they're going home at night and they don't go home, working 16 hours shifts two and three times a week. So that if you do get lucky to recruit somebody they very rarely last, they say why the heck should I put up with this when I can go down the street and live a more normal life-style.

And thirdly, our Skilled Nursing Facility's current work schedule is an anomaly in the industry, we are not typical of the industry. And this chart which we have developed with the union is more typical of the industry, it brings it into the mainstream of the industry. And to make sure that we haven't bit off more than we can chew is a six no month trial so we can look at it and say yes it has worked, no it hasn't worked or do we have to tweak it a little bit to make it work even better. And this has been a collaborative effort between the Skilled Nursing Facility, the Health Department, the union and the County to try to make that facility the very best it could be.

CHAIRPERSON FIELDS:

Can I just ask a question? I read about the six month trial period and I just wondered if it's working, do we have to have -- will you discontinue, what would happen?

MR. GREENE:

We would sign an extension to bring it forward, we may not need a sunset date after that. But any time you change from such a long-standing work chart to a new chart, we have to see if it meets our objectives. And as much as everyone worked on it and tried to figure out all the what-ifs, there is always a what-if we haven't thought about, and if that what-if arises we have that ability to tinker with it after six months instead of being locked in perpetuity to a particular work chart. This, we hope, is going to make our

facility competitive in terms of recruiting and retaining skilled employees which in this job market are rare and hence deep.

CHAIRPERSON FIELDS:

I have been in that field, I know. Counsel, I wanted to ask you a question. Yesterday and the day before we acted upon the same bill in two different committees from I believe it was DSS and Ways and Means regarding fuel workers -- I'm not calling it the right name. What was it?

LEG. CARACAPPA:

Fuel service workers.

CHAIRPERSON FIELDS:

Fuel service?

MR. GREENE:

Food service workers?

CHAIRPERSON FIELDS:

I don't think it was food service, it was heating.

MS. GARBARINO:

The HEAP people.

MR. SABATINO:

Oh, that was 1930, that was the Fuel Assistance Workers and the Community Service Workers, their salary is being increased.

CHAIRPERSON FIELDS:

So I just wondered if DSS came in and asked for higher salaries and more positions, why did we not do this with John Foley?

MR. GREENE:

In this particular work chart, you see that we give on the average a three and a half percent increase to the workers there to accommodate the fact that their life-style is changing. The people who currently work it, which is probably 50% of the work force, works in the nights and evenings, they currently get a 9% differential, it will go to a 12% differential, and for the day shift they'll get a 4% differential. So on balance it's a three and a half percent increase in the salary and we believe, based on our studies, that will be offset by the savings in the overtime.

CHAIRPERSON FIELDS:

Right.

MR. GREENE:

So it should be zero sum game for the County but the workers who are being inconvenienced now by having to work sometimes six days a week in a row will see roughly what amounts to one extra step in their paycheck.

MS. GARBARINO:

Also I think Dr. Bradley could probably explain what they've been doing in the nursing hiring.

COMMISSIONER BRADLEY:

We have been requesting in-step hiring so that staff, based on years of experience, are not coming in at starting step, they're coming in at a higher step. And it's not the employees that have been there for a long time, their salaries are competitive with other nursing homes, it's the newly starting people who are starting at starting step. So by doing those in-step hirings we have essentially I think been doing what Social Services has requested.

CHAIRPERSON FIELDS:

Has Budget Review had an opportunity to look at the overtime savings or make an analysis of how much we might save by increasing but -- increasing the salaries but decreasing the overtime? While she's looking, maybe --

MS. BRANDEAU:

We're not able to estimate what this is going to save. I don't know if the Health Department can even at this point estimate what the overtime savings are going to be, there's a wide range of factors. I mean, I can tell you what the overtime costs are at the Skilled Nursing Facility.

CHAIRPERSON FIELDS:

Okay. For the record, I think that would be a good --

MS. BRANDEAU:

Well, the 2000 Adopted Budget for overtime was \$600,000 and -- which we had said was a little lower when we reviewed the budget last year. Their modified budget right now is 1.1 million, they have already expended over \$900,000. So they actually were estimating that they're going to spend close to 1.4 million in overtime this year if they keep pace with what they're doing.

CHAIRPERSON FIELDS:

Mr. DiGilio, how do the employees feel about this resolution?

MR. DIGILIO:

The vast majority of the employees will see a significant change in their personal life-styles because they will be able to be with their families on weekends, if not every weekend at least every other every weekend. And the vast majority of employees don't have that at this point in time, it's not even a luxury, it's a norm and they don't have that norm.

CHAIRPERSON FIELDS:

Would this stop the mandated --

MR. DIGILIO:

Yes, yes. The problem comes up -- it's a many aspect faceted situation. We cannot hire new employees because they do not want to work every weekend, if we can't fill vacancies we need people to fill the vacancies and we have individuals work overtime, when we cannot get volunteers to work overtime we have to mandate people to work overtime. And we have very potentially harmful and dangerous situations where we have professional personnel working 16 hours straight, and after 16 hours it's very difficult to function at the high level that we expect and our employees usually do function. And not only that, but it's also dangerous in their traveling to and from work.

CHAIRPERSON FIELDS:

It's also dangerous in giving out medication.

MR. DIGILIO:

Yes, extremely, extremely. We have been very fortunate, extremely fortunate that we have not had any untoward incidents with medication, with providing services.

CHAIRPERSON FIELDS:

It's hard to believe.

MR. DIGILIO:

Well, we monitor that very carefully. Our supervisors, our management nursing personnel are on that every, we review all medications, administration records, we observe the administration of medications, we observe the treatments provided by personnel, nursing personnel. We're very careful to insure that even though we're experiencing the potentially hazardous situation, it is not transferred to the residents of our facility.

CHAIRPERSON FIELDS:

Well, I think what might be transferred when you do mandated shifts is the fact that when someone's overtime tired, number one, they can be testy just to begin with.

MR. DIGILIO:

And that's a hundred percent correct.

CHAIRPERSON FIELDS:

You know, and I think I'm being gentle when I say testy because I know how we all are when we're tired caring and that can be taken out on the residents and, you know, caring for people such as those residents is difficult to be begin with. So I would like to see that this mandation is stopped.

MR. DIGILIO:

We do not want -- very candidly, we do not want to mandate, it's not good management, it's not -- it's a bad practice, we don't even want to have overtime. There's necessary overtime on holidays built in, you know, when an individual works a holiday they get overtime so there never will be no overtime, but it will not be the 16 hour --

CHAIRPERSON FIELDS:

Right.

MR. DIGILIO:

-- day or shift overtime.

CHAIRPERSON FIELDS:

Okay, thank you. Does anybody have any other comments?

MS. GARBARINO:

Well, I would just like to say what the union does recognize in this, and that's why we said about the six month trial period, that nothing can be perfect. And there is a small percentage, particularly the senior people, that might not be happy with this because of the fact that they have had the pleasure of every weekend off, but considering that this effects close to 200 people and the other end of it, we're talking maybe a dozen people at most, this is necessary. And as Mr. Digilio just said, that we have had had reports of several nurses that have dosed off at the wheel on the way home, fortunately nothing happened. And I think what they've said on their monitoring and the fact that no incidents have been reported as far as patient care problems shows the level of the staff that we have out there and we need to do everything possible to keep them and to bring in qualified people. One perfect example is I heard just last week that there's a per diem nurse right now who has been offered a

job as permanent, but she'll stay at per deem until we fix the schedule, she can get at least every other weekend off.

And we did do, the union did an extensive, unofficial research on nursing home and hospital staffing and schedules throughout the eastern area, and what this is is the norm.

CHAIRPERSON FIELDS:

Great.

MS. GARBARINO:

This agreement is the norm.

CHAIRPERSON FIELDS:

I had an opportunity to go in and tour the facility a couple of months ago and I was really impressed and very proud, you know, to be part of Suffolk County that we offer something that's state-of-the-art and clean and neat. And the employees impressed me too, I thought it was a great facility.

COMMISSIONER BRADLEY:

Thank you.

MR. DIGILIO:

We have -- and I apologize for getting on the soap box, but we have enjoyed in the last few years a significant increase of positive reputation amongst health care professionals on Long Island and in the region, not just Long Island. The John J. Foley Skilled Nursing Facility is known Upstate amongst health care professionals, amongst hospitals. We get referrals -- we get the hard cases, we get the cases no other nursing home wants to handle because they don't have the number of staff or the assets and the resources to provide the type of care that we can provide at John J. Foley. So we're very proud of that and we want to build upon that positive base and go forward and become the standard that everyone looks towards to be like.

CHAIRPERSON FIELDS:

So can I put in my reservation for my future years to spend there?

MR. DIGILIO:

Hopefully you won't have to.

CHAIRPERSON FIELDS:

Okay, thanks. Anybody have any questions? Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair, and good morning. This I suppose represents the culmination of discussions at this committee and members of this committee have had for well over a year about the issue of mandation, the extreme -- really the extreme stress that's been placed on many County workers at the Skilled Nursing Facility. And I'm glad to see that there's now a formal presentation, a formal document, if you will, that we can have a discussion about and to see where it's going to lead to.

Let me just first start with this. I had a couple of constituents call or who live near the district who are long-term workers at the facility, at the John J. Foley Infirmary. And their concern, and I would like to have this addressed by the panel, their concern is that after, for instance, let's say 20 years of service and they put many, many years in the system where they finally have arrived at a point where they can enjoy weekends off, is there a way that the agreement can be structured whereby increasing number of years of seniority will result in maybe not working every weekend but having every fourth weekend or every fifth weekend? Is there a way of carving out or making not so much exceptions but amending this plan in order to meet the concerns of those who have been there for a long, long period of time?

MR. GREENE:

We looked at those concerns, quite frankly, it was extremely difficult to find a work chart that met everybody's needs.

LEG. FOLEY:

Right.

MR. GREENE:

The problem you have with finding some exceptions is that as the work force changes then we have to constantly change the work chart.

LEG. FOLEY:

Okay.

MR. GREENE:

And the chart -- it's not a simple thing to do. There are so many variables within the chart that it's almost like dominos, if you push the first one over it runs the string. You change one little piece it changes and many times like a ripple effect, so you change one little thing in the beginning and it gets bigger and bigger and bigger. And the union and the County recognize there were

some people, a small minority which may not be pleased, but the long-term picture is if we don't make this facility run at a peak level everybody's at risk. So everyone put aside some parochial issues for the larger issue which was the health and well being of those that we care, the long-term future of the facility and bringing the work chart into the mainstream. So we did look at all these things, but unfortunately there was no work chart that you could build that had like a little flip over, every day would flip and take care of --

LEG. FOLEY:

Okay.

MR. GREENE:

It's kind of a static chart that we have to live with.

MS. GARBARINO:

What might help, Legislator Foley, is that the seniority issue is still there, the contractual right of seniority on choosing the tour.

LEG. FOLEY:

Okay.

MS. GARBARINO:

So that if you are presently working 7 to 3, there's going to be postings, the schedule will be posted, seniority will come into effect when you can choose your best thing there, on what days off there will be.

LEG. FOLEY:

Uh-huh.

MS. GARBARINO:

Also, we did address the issue of the current approvals of vacations. People who have vacations approved already. Because they have to put in six months in advance, that people have vacations approved, those vacations will be honored, people will not lose what they have already had approved. All of those things were taken into consideration before signing on to this. And I said, it's a difficult thing to do and it's something that certainly we didn't like doing making such a dramatic change but we recognize it could not go on the way it is now and we tried to protect the senior people the best we could. There could be some incidences when there could be somebody getting a three day weekend as the result of the shift and the senior person will have the first right on choosing that.

LEG. FOLEY:

Okay.

COMMISSIONER BRADLEY:

And can I just -- on the same issue. Many of the people that you're talking about, Legislator Foley, are top step people.

LEG. FOLEY:

Right.

COMMISSIONER BRADLEY:

So other than the yearly raises, they don't get any steps. So they are getting compensated, I know they maybe would prefer to have every weekend off but they are getting a 4% increase.

LEG. FOLEY:

Okay.

COMMISSIONER BRADLEY:

So they're getting something for being inconvenienced in terms of the weekends.

CHAIRPERSON FIELDS:

Anybody else?

LEG. FOLEY:

Yeah, I have some follow ups.

CHAIRPERSON FIELDS:

Go ahead.

LEG. FOLEY:

Thank you. When we read the memo that the department had put together regarding the staffing issue, the causative nature of the problem on the bottom of the front page, it mentions at the very bottom that, "Working with the County Executive's Office, we have come to some extent mitigated this by hiring RN's and LPN's factor on a case by case basis." Will this resolution change that from a case by case to a more systemic approach as we have done in the past with some other hirings where we have made a certain classification of County workers, able to hire them all at an S step plus an increase. Does this resolution change that at all, or how does the department -- how will you follow through on -- my point is instead of doing it on a case by

case basis, why can't we do, as we've done in some instances in County government -- because there is a real problem with recruitment here which the schedule will only partly address, the other problem, as has been highlighted for well over a year and by this memo, is the starting salaries. So my concern is by doing it on case by case basis, I think the more effective approach would be to just have -- to develop a resolution that would allow that not so much each position but that title, to always have an S step increase, and that way better able to recruit out in the public and the tight labor market. What's your thoughts about that?

COMMISSIONER BRADLEY:

When we say we do it on a case by case basis, we do it that way because of experience. So if we have someone who's coming out of nursing school who does not have several years of experience, they may not be asked -- we may not ask for them the same step level as we would if say someone is coming with 10 years of experience, so that's why.

LEG. FOLEY:

But they --

COMMISSIONER BRADLEY:

But maybe we could build that in.

LEG. FOLEY:

But I think what's going to happen, though, then, they're ear going to go elsewhere where there is, as we all have acknowledged over the years, they'll go somewhere else where there's a higher salary. So my question to you is what can we do to make this not a case by case but a systemic -- what I would call a systemic increase on that position, you know, for that position? Kim, could you answer that? What kind of resolution would we have to put together to make that happen?

We did that a few months ago, I think for CPS workers. There were some class of workers where we had -- where we agreed to in-step hirings collectively. And what I would like to do, if you could and with the concurrence of the Chair and other members of the committee, or just do it individually, to prepare a resolution that we would have this -- give the health department the flexibility to have what I would call a collective step increase as opposed to --

MS. BRANDEAU:

Are you talking about giving a step increase to all the nursing positions?

LEG. FOLEY:

Right.

MS. BRANDEAU:

Everyone gets one or two steps?

LEG. FOLEY:

Right.

MS. BRANDEAU:

Or you're talking about -- okay. You're not talking about like just making an RN, in stead of starting at Step 2, starting at Step 3.

LEG. FOLEY:

Well, I'm talking about the starting salaries.

MS. BRANDEAU:

You're talking about for new hires.

LEG. FOLEY:

Correct. Now, I know that will then generate discussions about those who have recently hired, but I think we need to have this discussion. Because this helps, there's no doubt that this helps, but my concern -- through the Chair, my concern is that if we continue to do this more on a step by step -- rather on a case by case basis, we're not going to recruit as effectively as if we have this what I would call this more collective approach, and it's not consistent. And we have discussed this in the past I know. So if we could prepare a resolution on that so we can then discuss that at the next committee meeting.

MS. BRANDEAU:

I can do some research for you on that.

LEG. FOLEY:

Fine.

MS. BRANDEAU:

I'm not sure if there are some Civil Service issues, I don't know, does Civil Service have to agree that?

MS. GARBARINO:

Yes. What happened last year, and I have been talking with both the Health Department and the office of Labor Relations about it since it happened, where

the LPN's were previously hired in-step.

LEG. FOLEY:

Right.

MS. GARBARINO:

When they received an upgrade last year, which certainly we fought for along with the health department for several years feeling they need it, through Civil Service they down-stepped, shall I say, entry-level. And I have spoken since that time that I'm definitely in favor, I didn't agree -- I didn't like what happened there, I should say and I felt it important to go back to -- they used to be hired, for instance, they were a Grade 12, Step 2 was the way they were hired; when they became Grade 14, they're now hired at S Step. I felt it more favorable that they should have gone from 12 to 14 but still be hired at Step 2, and I think that's what you are talking about, Brian.

LEG. FOLEY:

Yeah, that's exactly what I'm talking about. And what I think we can do is have BRO do a little home work on this so that we can then take the next step, if you will, about S steps and discuss it at the next committee meeting. Okay? But let me go on to another point, if I may, okay?

What will happen -- at the end of six months when every -- and during the six months, as is stated in one of the WHEREAS clauses, they will be continually monitoring the situation as the Nomenclature goes, but at the end of six months what will happen? Will there be a sit down meeting of all concerned, you know, what are the bench marks that you intend -- that you're going to look at, how do you intend to know whether or not it's a success?

COMMISSIONER BRADLEY:

From our perspective, we won't wait till the six months, we'll continually monitor, number one, recruitment, and I think we have already started to see an increase because there's rumors out there that, you know, we think it's going to change, if you come with us you probably won't have to work every weekend.

LEG. FOLEY:

Okay.

COMMISSIONER BRADLEY:

That will be one. The other will be mandation, making sure that mandation does go down as we anticipate that it will. That is really the main reason for

going down this road.

LEG. FOLEY:

Okay.

COMMISSIONER BRADLEY:

And the other would be we'll monitor the finances, we'll look and see if the increase in the salaries are offset by the decrease in overtime. That's let less of a concern in my mind, my concern is more recruiting staff and decreasing mandation.

LEG. FOLEY:

Right.

COMMISSIONER BRADLEY:

But those are the three things we'll look at.

CHAIRPERSON FIELDS:

So will you come before us maybe in February or something and just give us a status report of how things are going and how you anticipate the six month anniversary and how it will effect everybody?

COMMISSIONER BRADLEY:

Sure.

CHAIRPERSON FIELDS:

Great, thank you. Thank you very much.

COMMISSIONER BRADLEY:

Thank you.

LEG. FOLEY:

Madam chair, I just have a couple --

CHAIRPERSON FIELDS:

Oh, sorry.

LEG. FOLEY:

Thank you. On the issue of mandation, is it true that only the second shift is mandated to work the night shift? Is there a reason that we don't have the morning shift go home, take a rest and some of them have to come at night; has that ever been offered or is there a reason why it's not done?

MR. DIGILIO:

Yes. No. You asked many questions.

LEG. FOLEY:

That's right, and I know you can answer them all.

MR. DIGILIO:

Yes, no, maybe, I don't know and I will find out.

LEG. FOLEY:

Well, expand on each of those, please.

MR. DIGILIO:

Okay, yes. What usually happens is that the evening shift by and large, because it is in number slightly less than the day shift but more than the night shift, we don't have a problem staffing the evening shift except in one or two, you know, incidences. So the day shift doesn't get mandated to the evening shift. What happens when the night shift calls in where we have -- we need less personnel so we have less personnel working at night, so if one person calls in the percentage of call-ins is significant.

LEG. FOLEY:

Right.

MR. DIGILIO:

If you lose one individual when you have 12 it's a lot greater than losing one when you have 30.

LEG. FOLEY:

Yes, understood, understood.

MR. DIGILIO:

What is that it's the evening shift that ends up being mandated to work the night shift. What we tried to do is to call the day shift in earlier and that's where the problem comes because we find out that the evening -- that the night shift doesn't show or calls in sick and you're talking time frames of 9 PM, 10 PM, 11 PM at night, where the day shift is already in bed because they have to get up 5:30 to be at work at 7.

LEG. FOLEY:

Okay.

MR. DIGILIO:

And if you are not expecting to be called in to work the night shift if you are the day shift, you perform your normal activities when you go home, that doesn't mean you're going right to bed, taking a nap.

LEG. FOLEY:

Right.

MR. DIGILIO:

We have obligations to maintain a household, to do other things, have children, transport them back and forth to soccer, to little league, etcetera.

LEG. FOLEY:

Okay.

MR. DIGILIO:

So then it's very difficult to wake someone up ten o'clock at night and tell them, "Please come in at three in the morning," when they've just gone to bed at eleven, you know, 10, 11, 12 o'clock at night. So it's the evening shift by and large that's, I hate to say suffered, but has the brunt of the mandation.

LEG. FOLEY:

Okay, fine. Thank you.

MR. GREENE:

Brian, just so you know, in most 24-7 facilities, that's a constant problem.

LEG. FOLEY:

Okay.

MR. GREENE:

This is across the industry.

LEG. FOLEY:

It's not unusual --

MR. GREENE:

No, very common.

LEG. FOLEY:

-- just to this facility, okay. Finally, on the matter of recruitment, could you -- and this is important that we spend a couple of minutes on this, Madam Chair, so we can have a better understanding of how the Health Department recruits.

I'm not asking for a half an hour discussion on it, but I think it would be illuminating for the committee to know how the Health Department recruits, how they go out in the field. For instance, how do you corroborate with Suffolk Community College, with their nursing program and some other nursing programs out on the Island to try, in essence, to get first dibs, if you will, to try to cultivate a relationship. Where even during the school year where the nursing students are taking classes, there maybe a way at that point of bringing them into the facility so they know about the facility even before they graduate, so when it's time to graduate they would be that much more, let's say --

MR. DIGILIO:

Inclined.

LEG. FOLEY:

Inclined, thank you, to work at the facility. Something similar to what the community college has with four year schools, they give it a fancy word but they call it an articulation agreement. Whether or not in substance if not in form you can develop this kind of agreement, if you will, both with the community college nursing program but also at the other nursing programs extant throughout the Island. So if you can just spend a few minutes, walk us through for a few minutes about how you do recruitment.

MR. DIGILIO:

What we were doing in the past that was, very candidly, unsuccessful is that we would be participants in the job fairs in the local undergraduate, four year colleges and community colleges, not just for nursing but for all professional areas and rehabilitation therapy, etcetera. When it came to nursing and where they're at a job fair at the community college and other facilities -- I mean, it's not exclusive for John J. Foley, other facilities are there as well -- they would not -- nursing students would not basically talk with us because our colleagues and competitors in the booth next to us are offering them higher salaries and every other weekend off. So they would say, "Hi, how's the County facility doing? It's great," we'd give them brochures, we'd tell them about all our phenomenal programs that are going on, our centers of excellence and the care is really high quality care, "you're going to learn a lot, we have great people working there, we have a mentorship program," etcetera, etcetera. And they say, "Oh, great. What's the starting salary", and then we start to hesitate and then we give them an approximate starting salary and then they say, "Well, what's the work schedule like," and they say, "Well, you'd probably work," etcetera, you know, and that was the problem.

LEG. FOLEY:

Right.

MR. DIGILIO:

What we have been doing is communicating with the placement officers at the various colleges including Suffolk Community College and making them aware. The other way we recruit, two other ways we recruit is on the Internet. And the Health Department Home Page, the first thing you hit or you see when you go to the Health Department Home Page are job opportunities available, and that has been extremely successful, extremely successful, especially from an RN and LPN standpoint and with Dieticians and Diet Technicians. We, in fact, had four vacancies that we filled in less than two weeks because of that, in the dietary --

LEG. FOLEY:

When did you start this?

MR. DIGILIO:

That's been on the website now, I want to say 8 to 12 weeks.

LEG. FOLEY:

So it's new.

MR. DIGILIO:

No, I'm sorry, the RN's and LPN's have been on there for a long time, the Diet Techs and Dieticians were very short turnaround.

LEG. FOLEY:

Through the Chair, other than job fares, what other creative ways can -- non traditional ways that you can try to recruit?

MR. DIGILIO:

The two most successful ways have been the newspaper ad that was placed three Sundays ago I believe it was, that has been successful, and word of mouth. What's happening is that --

LEG. FOLEY:

Have you ever considered to go directly on campuses as opposed to just contacting placement officers, to go directly on campus to speak with people?

MR. DIGILIO:

We do with the job fairs that they have; whenever we can get into a job fair

we do go, yes.

CHAIRPERSON FIELDS:

Even more, Legislator Foley suggested something that I thought was intriguing before, of having people that are in college and maybe close to graduation come through the facility.

MR. DIGILIO:

We do have on-site training programs. We have agreements with Suffolk Community College for nursing students as well as Physical Therapists.

CHAIRPERSON FIELDS:

How many students actually take -- or how many do you take advantage of?

MR. DIGILIO:

Well, everybody we can get, very candidly.

CHAIRPERSON FIELDS:

But how many, is it one, is it 20?

MR. DIGILIO:

No, no, I think the last group that came through was between four and six, I don't remember the exact number.

CHAIRPERSON FIELDS:

Why would it be so short and so small? I mean, is there --

MR. DIGILIO:

I can't answer that. I will find out, but I don't know off the top of my head.

LEG. FOLEY:

If I may -- thank you, Madam Chair -- is see how that can be expanded.

MR. DIGILIO:

Yes.

LEG. FOLEY:

And maybe put together even a program, a written plan, if you will, of how to go about more effective recruitment. If we as Legislators are going to be helpful from the standpoint of salaries and from the standpoint of work schedules, obviously one of the other great benefits that so far hasn't been mentioned that to a degree makes up for the somewhat lower salaries are the superior benefits, and I'm sure that you emphasize that at these job fairs,

although it wasn't mentioned

MR. DIGILIO:

Well, we do emphasize the benefits but very candidly, the other facilities are catching up.

LEG. FOLEY:

They're starting to catch up so we need to catch up in some other areas.

MR. DIGILIO:

But I will take that recommendation and we will go forward with it.

LEG. FOLEY:

That would be helpful.

MR. DIGILIO:

Yeah, we do -- like I said, not to be repetitious, we do have on-site training programs for nursing, for Physical Therapy Assistants, for Social Workers.

LEG. FOLEY:

I just think what we need to do, and I'm sure you do it on a regular basis and I know you have many things on your plate, but is to look at the whole issue of recruitment, see if there are other ways, additional ways of attracting qualified workers to the facility.

MR. GREENE:

We've talked about Shanghaiing and kidnapping, but we have been advised by the County Attorney that it's not permissible.

LEG. FOLEY:

Well, David, I've heard that you've tried that in the past and it hasn't worked either.

MR. GREENE:

But I don't have a legal opinion against it so far, so we're hanging in there.

CHAIRPERSON FIELDS:

Well, I appreciate what you've done and finally come up with what I think is a workable plan. And I know that -- and you all know that I've gotten many, many letters from some of the workers at the facility and my heart did go out to them. And I'm really very, very pleased that you've come up with a plan and I think it will work and I really appreciate it. Thank you.

MR. GREENE:

Thank you very much..

CHAIRPERSON FIELDS:

Thanks very much. Okay, moving right along, we have tabled resolutions.

Tabled Resolutions

IR 1749-00 (P) - Establishing Safe Haven Policy for the Blind (D'Andre). Do we have a motion?

LEG. CRECCA:

Motion to approve.

LEG. FOLEY:

Can we have an explanation on this, please?

MR. SABATINO:

This resolution would direct the Health Department and the Office of Handicapped Services to try to work with the State Commission of the Blind and Family Services to try to establish some protocols or accommodations to avoid that situation that recently occurred in the State Office Building with the blind individual who was terminated after a sting operation.

LEG. FOLEY:

Commissioner?

CHAIRPERSON FIELDS:

Before the Commissioner speaks. I had many phone calls from people who represent the blind and they did not like this bill at all, they felt it was actually going in a step backward. And also what I have determined through all of this when this all happened was that there are machines that visually impaired or blind people can put bills through so that it can recognize the size of the bill, and also it can recognize proof. So there are ways that anyone who is running, you know, a vendor in a place like this who's blind can identify legal age. So my opinion is that I don't think we need this kind of a bill at all and I think we did everything in a very proper fashion. Bottom line was, and we all know how I feel about this, if minors are allowed to go someplace and purchase cigarettes, that's against what we all believe should happen. Commissioner Bradley?

COMMISSIONER BRADLEY:

Okay. Would you like for me to just give a brief history of what happened? Okay. We receive a list of tobacco vendors from the State and we are directed to go out and do compliance checks where a sanitarian will go in with an underage youth and see if the youth is successful in purchasing cigarettes. So this vendor called Small Change was on the list and a sanitarian went with a minor, and when the sanitarian, who usually stands off to the side, noticed that the minor was able to purchase the cigarettes, the sanitarian approached and noticed that the vendor was blind. So the sanitarian spoke to the owner and said, "I'm not going to give you a violation, I understand there are extenuating circumstances. But you are in violation of the law and there are things that you can and should do to become in compliance," and one of them was the scanning of the driver's license. Another is there are security guards that are there, there is usually a sighted person that works with the blind man, use those things to be in compliance with the law. We never said that this person should be fired, never, Suffolk County never said that; and although the media did report that, that did not occur.

This bill, it seems to me, says that we will work to put in those things such as the scanner so that the vendor could come in compliance. The only thing is I have no authority, I didn't fire him, I have no authority to reinstate him, so that I cannot do. But I would be happy to work with whoever to help them get that scanning device, I have no problem trying to do that, work with them.

LEG. CRECCA:

I think that's --

LEG. FOLEY:

What's the department's position on the bill?

COMMISSIONER BRADLEY:

The only comment is that I can't reinstate him, but I would be happy to work with whoever to put in place. So I'm not opposed to it but I cannot reinstate this man. I didn't fire him, he didn't work for me, so I don't have that authority.

LEG. FOLEY:

Right.

LEG. CRECCA:

I have a question on it.

CHAIRPERSON FIELDS:

Legislator Crecca.

LEG. CRECCA:

I don't think the bill, though, asks the Commissioner to reinstate him.

COMMISSIONER BRADLEY:

Right.

LEG. CRECCA:

It would just ask -- requests of the Commissioner, work with the State people to try to resolve this problem.

COMMISSIONER BRADLEY:

And I'd be happy to do that, and I have said that.

LEG. CRECCA:

I mean, I think the bill just -- if anything else, it's not -- it doesn't have a huge amount of teeth to it, but it does send a message that we'd like to see the problem resolved and that was why I made the motion to approve. Again, I think it just sends a message that we really don't think what the employer did was proper in firing him, there were other things he could have done. And I think with the Commissioner having some input with the State and having some legislation behind her, it certainly can't hurt, I don't see the harm in the bill. I understand what you're saying, Legislator, but --

CHAIRPERSON FIELDS:

But the blind -- I can't remember the name of the organization, I don't know if my --

MS. SKIBER:

It was the State.

CHAIRPERSON FIELDS:

It was an organization that represents the blind and they absolutely felt that this was a terrible thing and it was going to make them go a step backward.

LEG. CRECCA:

Why, though? That's what I don't understand. I'm not --

LEG. FOLEY:

Why don't we make a motion to table, Madam Chair, so we can have those

who have concerns, give them the opportunity to come to a committee meeting to discuss this. And then at the next meeting we can --

CHAIRPERSON FIELDS:

I will invite them to come back.

LEG. FOLEY:

-- make a final judgement on this.

CHAIRPERSON FIELDS:

And they'll explain it to you, but I understood exactly what they were saying and, you know --

LEG. CRECCA:

And you know what? Maybe -- I mean, maybe I'll request to Legislator D'Andre to have the owner of this business here, too.

LEG. FOLEY:

Yes.

LEG. CRECCA:

I would like to hear what he has to say.

CHAIRPERSON FIELDS:

Okay.

LEG. FOLEY:

That's a good point.

LEG. CARACCILO:

I would go a step further, let's get the individual who was involved here because I recall from newspaper accounts he understood what happened to him and didn't express any regret.

LEG. FOLEY:

Good point, Mike.

CHAIRPERSON FIELDS:

I'll second the motion to table.

COMMISSIONER BRADLEY:

Well, my feel -- my understanding is that he said he knew he was having a

hard time, he knew he couldn't sell cigarettes and he was selling lottery tickets which he couldn't do legally either. And I think he said, "I need some help here."

LEG. FOLEY:

All right. Why don't we have them come to the next meeting, all interested parties so we can have a full round-table discussion.

CHAIRPERSON FIELDS:

Okay. All in favor?

LEG. FOLEY:

Of tabling.

CHAIRPERSON FIELDS:

Opposed? Approved, **motion to table approved (Vote: 5-0-0-0).**

Introductory Resolutions

1901-00 (P) - Accepting and appropriating 100% Federal Grant Funds from the New York State Department of Health Services for the Tuberculosis Elimination Program (County Executive).

LEG. CARACAPPA:

Motion.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

All in favor? Opposed? **Approved (Vote: 5-0-0-0).**

1916-00 (P) - Implementing purchase of Mobile Veterinarian Clinic (Haley). I had a question.

MR. SABATINO:

That has to be tabled.

LEG. CARACAPPA:

Motion.

MR. SABATINO:

That has to be tabled because --

LEG. FOLEY:

Second the motion to table.

CHAIRPERSON FIELDS:

All in favor? Opposed? What was the end of your sentence, that has to be tabled ...

LEG. CRECCA:

I was really curious, too.

MR. SABATINO:

Well, it's got to be tabled because the only way that this transfer could take place would be if there was some kind of a certification that the value of the services being provided by the organization would equal, if not exceed, the value of the vehicle which is \$175,000. So in the absence of that, we can't move forward.

LEG. FOLEY:

Motion to table.

CHAIRPERSON FIELDS:

Okay. We have a motion, we have a second. All in favor? Opposed? **Motion to table approved (Vote: 5-0-0-0).**

IR 1917-00 (P) - Establishing Suffolk County Legislature Rhabdomyosarcoma Task Force (Caracciolo).

LEG. CARACCIOLO:

Motion to approve.

LEG. CARACAPPA:

Second.

MR. SABATINO:

That committee was formed at the last meeting, so this would be an alternative but you can't have --

LEG. CARACCIOLO:

Well, it's not really an alternative, Counsel. What it is is at my request you prepared this resolution to add an individual and to change the category of an individual on the committee, that individual being Dr. Grimson. What this resolution does, very simply, is it takes the original resolution, restates the

nine members of that commission, replaces Dr. Grimson as a voting member and strictly in an advisory roll and replaces Dr. Grimson's full vote capacity, if you will, with Pete Maniscalco who is a member of SEARCH.

MR. SABATINO:

Not in its current form it doesn't. If you want to do that, you have to amend the bill that was adopted.

LEG. CARACCILOLO:

Well, why is it then that when I discussed this resolution with you didn't advise me of such?

MR. SABATINO:

Because you told my secretary when you called that day you wanted an alternative bill to be filed that would duplicate the creation of the committee that was adopted in committee the day before with two changes. So you wanted to have an alternative bill out there which is exactly what we prepared.

LEG. CARACCILOLO:

It's not an alternative bill.

MR. SABATINO:

If you want to amend the bill that was adopted --

LEG. CARACCILOLO:

I take exception to your description of this being an alternative bill, this is the exact same group of people with two exceptions. The first exception being that it replaces Dr. Grimson as a full-fledged member of this commission and puts him on as an advisory member, and the second thing it does is it replaces him with an individual who is uniquely qualified to serve on this commission, Pete Maniscalco. The remainder of the WHEREAS and the RESOLVED clauses are identical to the original resolution. Explain to me how this is a competing or alternative resolution.

MR. SABATINO:

It is because it was constructed as an alternative bill. There was no guarantee that the other bill was going to be adopted, so you were filing this bill to have an alternative out there in the event the other bill wasn't adopted. If you want to amend the composition of the committee that was formed, you have to

convert this into an amendment of the previous bill.

LEG. CARACCILOLO:

And in order to do that what's necessary, the language that reflects that it's an amendment to the original bill, is that the change?

MR. SABATINO:

You would have to now convert this bill into an amendment of the previous bill. You also have to deal with the issue of --

LEG. CARACCILOLO:

That's fine.

MR. SABATINO:

I think the Presiding Officer is appointing Maniscalco --

LEG. CARACCILOLO:

All right. Would you prepare that resolution?

MR. SABATINO:

-- to fill slot No. 7, so you can't --

LEG. CARACCILOLO:

All right. Paul, I'll make a motion to table. Prepare the amendment to the original resolution which I'm not sure the County Executive has signed or hasn't signed yet, but I'm pretty confident he will, and we'll just make the amendment.

LEG. FOLEY:

Second the motion to table.

LEG. CARACAPPA:

On the motion.

CHAIRPERSON FIELDS:

On the motion. Can I ask why you don't want --

LEG. CRECCA:

I thought you were going to change this last week after the discussion? The sponsor said she was going -- that change was going to be made. And I'll be honest with you, I assumed when I voted --

LEG. CARACAPPA:

It's now beyond the seven day rule.

LEG. CRECCA:

Let me finish.

LEG. CARACAPPA:

Exactly.

LEG. CRECCA:

I thought when I voted for it, and it's my fault maybe for not reading it, I assumed the change had been made.

CHAIRPERSON FIELDS:

Can I answer the question?

LEG. CRECCA:

Sure.

CHAIRPERSON FIELDS:

We were told when we asked Counsel how long we had to do that and he said until five o'clock. I did suggest to Legislator Caracciolo and I went after the meeting and called his office and left a message that we had until five o'clock, I was here the next day, Legislator Caracciolo's Aide said to me, "Okay, he'll be on there," I said the five clock time went by, he's going to have to do something else but we would put Pete Maniscalco in that position, in another position anyway, and that's how it happened.

LEG. FOLEY:

So Peter is in there.

CHAIRPERSON FIELDS:

Yeah, he's already in, we already discussed --

LEG. CARACCILOLO:

No, he's not.

CHAIRPERSON FIELDS:

Hold on a second.

LEG. CARACCILOLO:

Show me where in the original resolution there's mention of --

CHAIRPERSON FIELDS:

Do you remember we had this conversation at the Legislature in front of Mr. Maniscalco?

LEG. CARACCILO:

No, let me refresh your memory, okay. The resolution that was approved does not include, A, Pete Maniscalco; B, the conversation we had with Pete Maniscalco was to confirm his agreement to serve on the committee.

CHAIRPERSON FIELDS:

No, no.

LEG. CARACCILO:

The reference you make through conversation with my Legislative Aide was to attempt to get back to you with confirmation from Mr. Maniscalco that he would be willing to serve on the committee. That's the issue that came up at the last Health Committee meeting, I told you I would make every effort to do so as expeditiously as possible --

CHAIRPERSON FIELDS:

Before five o'clock.

LEG. CARACCILO:

Well, how would --

CHAIRPERSON FIELDS:

I believe it's on the record that we did say that it had to be in by five o'clock.

LEG. CARACCILO:

Yeah. But Ginny, you have to understand, the individual wasn't waiting around for a phone call --

CHAIRPERSON FIELDS:

Okay. But the bill --

LEG. CARACCILO:

-- from me or you or anybody else.

CHAIRPERSON FIELDS:

All right, I'm not going to argue it.

LEG. CARACCILO:

Okay?

CHAIRPERSON FIELDS:

The bill had to be in by five o'clock and --

LEG. FOLEY:

There's a motion on the floor to table.

CHAIRPERSON FIELDS:

And it was not able to be done.

LEG. FOLEY:

There is a motion to table.

LEG. CARACCILOLO:

No, no, now I'm going to make a motion to approve the resolution. Don't play games with me.

LEG. CARACAPPA:

Second.

LEG. FOLEY:

What purpose does it serve, Mike? And I mean this respectfully. We did have a motion to table for the purposes outlined by both Counsel and some of the other remarks. What purpose would it serve to approve the bill out of committee in its present form?

LEG. CARACCILOLO:

I would like to move the motion, please.

LEG. CRECCA:

I think there's a second by Legislator Caracappa also.

LEG. FOLEY:

And there's also a motion to table which does take precedence.

LEG. CARACCILOLO:

Well, I withdrew the motion to table. You want to make a motion to table?

LEG. FOLEY:

I'll make the motion to table then.

CHAIRPERSON FIELDS:

I'll second the motion to table. All in favor? Opposed?

LEG. CARACAPPA:

Opposed.

LEG. CARACCIOLO:

Opposed.

LEG. CRECCA:

Opposed.

CHAIRPERSON FIELDS:

Okay.

LEG. FOLEY:

Tabling fails.

LEG. CARACCIOLO:

Motion to approve.

CHAIRPERSON FIELDS:

Tabling fails (Vote: 2-3-0-0 In Favor: Legislators Fields & Foley).

Motion to approve by Legislator Caracciolo, seconded by Legislator Caracappa.
All in favor? Opposed? I'll oppose.

LEG. FOLEY:

Abstain.

CHAIRPERSON FIELDS:

Okay. Next --

LEG. FOLEY:

The motion is approved.

CHAIRPERSON FIELDS:

The motion is approved (Vote: 3-1-1-0 Opposed: Legislator Fields - Abstain: Legislator Foley).

We have **IR 1919-00 (P) - Establishing Suffolk County Office of HMO Services (Levy).**

LEG. CARACCIOLO:

Explanation.

LEG. CRECCA:

I would like to hear the Commissioner's view on this also and what the cost is.

COMMISSIONER BRADLEY:

You want me to talk first or do you want to wait for the explanation?

LEG. CRECCA:

It's up to the Chair.

CHAIRPERSON FIELDS:

Okay.

LEG. FOLEY:

Commissioner?

COMMISSIONER BRADLEY:

The resolution calls for the Health Department to develop an Office of HMO Services with the intent of negotiating with HMO's to reinstate health coverage for seniors.

LEG. FOLEY:

The position of the Health Department.

COMMISSIONER BRADLEY:

It's an impossible task. The only thing that will get these HMO's to go back into the Medicare business is to change the rates. I have no authority over these rates, they're set Federally. I don't have an opposition to creating an HMO Office, but the intent will never occur, I don't have any negotiating power with these HMO's. They have walked away because of the rates, I cannot change those rates, they're not going to come back because I ask them to come back.

LEG. CRECCA:

Motion to table.

CHAIRPERSON FIELDS:

I will second the motion to table. All in favor?

LEG. CARACCILO:

On the motion. Dr. Bradley?

COMMISSIONER BRADLEY:

Yes.

LEG. CARACCILO:

Given your statement, it would really serve no viable purpose then to adopt this resolution.

COMMISSIONER BRADLEY:

No, not with the current situation.

LEG. CARACCILO:

Did the sponsor consult with you prior to submission of this resolution?

COMMISSIONER BRADLEY:

No.

LEG. CARACCILO:

No, okay. I make a motion to approve for the purpose of defeating the resolution.

LEG. FOLEY:

On the motion -- well.

LEG. CRECCA:

My only -- if I could speak on that motion.

LEG. FOLEY:

Well, there's no second on the motion so it's not a live motion. There has to be a second on the motion.

LEG. CARACCILO:

This is a press release resolution, that's what this is.

LEG. FOLEY:

Hearing none, there is a tabling motion, Madam Chair. I would also ask that we have the sponsor of the bill attend the next meeting, as well as some of the advocates for the legislation also attend so we can discuss it. So for those purposes alone, I will also agree to a tabling motion.

CHAIRPERSON FIELDS:

Okay. All in favor? Opposed? Motion to table.

LEG. CARACAPPA:

Abstain.

CHAIRPERSON FIELDS:

Tabled (Vote: 4-0-1-0 Abstained: Legislator Caracappa).

IR 1923-00 (P) - Authorizing an alternative work schedule at the John J. Foley Skilled Nursing Facility (County Executive). Motion to approve.

LEG. FOLEY:

Second.

LEG. CARACCIOLO:

Madam Chair, this was approved yesterday in the secondary committee, Finance. I will second the motion.

CHAIRPERSON FIELDS:

Motion to approve, second by Legislator Foley. All in favor? Opposed?

Approved (Vote: 5-0-0-0).

LEG. CRECCA:

Motion to adjourn.

CHAIRPERSON FIELDS:

Motion to adjourn.

(*The meeting was adjourned at 10:54 A.M.*)

**Legislator Ginny Fields, Chairperson
Health Committee**

- Denotes Spelled Phonetically